

## DISTRICT OF NEVADA

\* \* \*

V.

Case No. 2:18-cv-00115-APG-CWH

## AMENDED ORDER

REX W. TILLERSON, in his official capacity as the U.S. Secretary of State; KIRSTJEN M. NIELSEN, in her official capacity as Secretary of U.S. Department of Homeland Security; L. FRANCIS CISSNA, Director for United States Citizenship and Immigration Service; KEVIN McALEENAN, Acting Commissioner of U.S. Customs and Border Protection; ROBERT HAVENS, Director of U.S. Customs and Border Protection in the Commonwealth of the Northern Marianas Islands

### Defendants-Respondents.

On January 23, 2018, plaintiff Benshing Li filed an emergency motion for a Temporary Restraining Order seeking to confirm his right to be present in the United States and block the defendants from removing him or barring his admission while I consider the merits of his Complaint. I ordered Mr. Li to provide to the defendants' counsel copies of the pleadings and motion and notice of the hearing. ECF No. 6. I conducted a hearing on the motion on January 25, 2018; all parties were represented by counsel. Prior to the hearing, Mr. Li and the defendants reached certain stipulations regarding the motion, which were then placed on the record at the hearing. The purpose and effect of the stipulations were to maintain the status quo pending further discussions among the parties, and the stipulations were made without prejudice to the parties' respective claims and defenses in this case. This order further documents and gives effect to the parties' stipulations.

I HEREBY ORDER as follows:

(1) On or before January 26, 2018, U.S. Customs and Border Protection (“CBP”) shall

1 re-parole Mr. Li into the United States (the "Parole"), which Parole shall expire after 60 days (the  
2 "Parole Period"). The granting of Plaintiff's parole does not confer any right or privilege  
3 authorizing Plaintiff to remain permanently in the United States.

4 (2) To facilitate the administrative processing of the Parole, Mr. Li will present himself  
5 at the CBP's Deferred Inspection Office at McCarran International Airport (the "Deferred  
6 Inspection Office") between 8:00 a.m. and 5:00 p.m. local time on January 26, 2018.

7 (3) During the time that Mr. Li is in parole status, he will not be deemed to accrue any  
8 unlawful presence in the United States. The defendants will not detain or arrest Mr. Li while he is  
9 at the Deferred Inspection Office on January 26, 2018.

10 (4) Mr. Li's motion and Complaint shall remain open and not yet ruled on pending  
11 further order of this court.

12 (5) The defendants are not required to respond to either the Complaint or the motion  
13 pending further discussions among the parties and further order of this Court.

14 (6) A status hearing in this matter is set for February 14, 2018 at 10:30 am.

15 DATED this 1st day of February, 2018.

16  
17   
18 \_\_\_\_\_  
19 ANDREW P. GORDON  
20 UNITED STATES DISTRICT JUDGE  
21  
22  
23  
24  
25  
26  
27  
28